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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,677	03/17/2004	Mario Stigler	A-10039	3330

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MILES & STOCKBRIDGE PC
1751 PINNACLE DRIVE
SUITE 500
MCLEAN, VA 22102-3833

EXAMINER

HARVEY, JAMES R

ART UNIT	PAPER NUMBER
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2833

DATE MAILED: 06/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

H.A

Office Action Summary

Application No.

10/801,677

Applicant(s)

STIGLER ET AL.

Examiner

James R. Harvey

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3-23-05 (election).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) 15, 17-22 and 34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 8, 9, 11-13, 23-27, 30 and 31 is/are rejected.
- 7) ☒ Claim(s) 3-7, 10, 14, 16, 28, 29, 32 and 33 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3-17-04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

- Applicant's election with traverse of Species 1 (claims 1-14, 16, and 23-33) in papers dated 3-23-05 is acknowledged. The traversal is on the ground(s) that Species V (figure 16) is part of Species 1 and is not a separate species. Applicant's arguments^{is} are found persuasive.
- The other requirements are deemed proper and therefore made FINAL

Drawings

- The drawings are objected to because the cross-hatching is improper. See MPEP 608.02.

For example, portions of the drawings in section and made of an insulated material must be crosshatched with alternating thick and thin lines, not with just thin lines.

- Please note that drawing corrections will no longer be held in abeyance. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application.

Claim Objections

- Claim(s) following claims are objected to because of the following informalities:
 - In reference to Claim(s) 1, the recitation "coordinated with each other being provided on" on lines 7 and 8 is redundant.
 - In reference to Claim(s) 1, the recitation "fastenable separate from the holder 14 " is vague and indefinite. For purposes of examination, it is assumed that the language is intended to mean

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that only the pedestal 12 is fastened to a substrate. An examination based on the merits, as best understood, is addressed below.

-- In reference to Claim(s) 2, the recitation “at least ^{one} fastening portion of a holder” is confusing because both the fastening portion and holder were previously introduced on line 8 of claim 1 from which claim 2 depends. For purposes of examination, it is assumed that the language is intended to refer to the original presentation on line 8 of claim 1. An examination based on the merits, as best understood, is addressed below.

-- In reference to Claim(s) 2, the recitation “the base” lacks proper antecedent basis. For purposes of examination, it is assumed that the language is intended to --a base--. An examination based on the merits, as best understood, is addressed below.

-- In reference to the rejected claims, there are numerous instances of poor grammar and terminology that are apparently due to translation errors. For purposes of examination, the language has been corrected, as best understood, in the rejection that follows. The entire application should be reviewed and corrected to comply with standard USPTO practice.

-- Appropriate response to the above is required.

Claim Rejections - 35 USC § 102

- The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim Rejections - 35 USC § 103

- The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

** Claim(s) 1, 9,11-13 and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by

Leman et al. (6771516).

-- In reference to Claim(s) 1, Leman shows (figures 1 and 2) a pedestal 30 (figure 2) fastenable separate from the holder 60 to a substrate 20, coupling elements (64; figure 2 and 234; figure 5) being provided on the pedestal 12 and on the fastening portion (that portion below the lead line of numeral 60b; figure 2) of the holder 14 to attach the holder 14 to the pedestal 12.

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-- In reference to Claim(s) 9, Leman shows (figures 1 and 2) the pedestal 30 on its under side towards the substrate 20 is provided with a mounting pin 35 insertable in an opening 25 of the substrate 20.

-- In reference to Claim(s) 11, Leman shows (figures 1 and 2) the fastening portion (that portion below the lead line of numeral 60b; figure 2) of the holder 60, on its opposed sides adjacent to the holding portion (that portion below the lead line of numeral 61; figure 2), comprises two projections 64 arranged at a distance from one another that can be used to engage grooves 234 of the pedestal 30.

-- In reference to Claim(s) 12, Leman shows (figures 1 and 2) the holder 60 at its end (near the lead line of numeral 64) opposed to the holding portion 62 has a spring tongue 61 projecting from a base part 60b and bearing a catch hook 64 cooperating with the pedestal 30 at its free end.

-- In reference to Claim(s) 13, Leman shows (figures 1 and 2) the fastening portion (that portion below the lead line of numeral 60b; figure 2) of the holder 60 has a central opening (between elements 64; figure 2).

-- In reference to Claim(s) 23,

a pedestal 30 constructed for attachment to the substrate 20; and

a holder 60 for the object,

wherein the holder 60 is separate from the pedestal 30 and has an object holding portion 62 and a pedestal fastening portion 64, and

wherein the pedestal 30 and the pedestal fastening portion 64 have cooperable coupling elements (pin and hole) for attaching the fastening portion 64 of the holder 60 to the pedestal 30.

** Claim(s) 8 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Leman.

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-- In reference to Claim(s) 8, Leman shows (figures 1 and 2) the pedestal 30 has a fastening pin 35 (figure 2) (instead of the claimed opening) to accommodate an opening 25 (instead of the claimed fastening pin) and since the pin 35 is on the pedestal, it is projecting from pedestal (instead of as claimed from the substrate). The fastening pin has an undercut (near the lead line of numeral 39; figure 2) and holding means (the ledge near the lead line of numeral 39) engaging the undercut of the fastening pin 160.

As discussed above, the claim language is seen to claim the same parts as those shown by Larson, but the fastening pin 35 and opening are reversed.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to reverse such parts, since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. *In re Einstein*, 8 USPQ 167.

One skilled in the art would have been motivated to reverse the parts because the pedestal 30 would be easier to manufacture and use less petroleum based plastic by choosing an aperture instead of the fastening pin 35. *this reducing costs*

** Claim(s) 1, 2, 8, 23-27, 30 and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Larson et al. (4356599).

-- In reference to Claim(s) 1, Larson shows (cover sheet) a pedestal 12 fastenable separate from the holder 14 to a substrate (column 2, line 11), coupling elements (17, 18; figure 1) coordinated with each other being provided on the pedestal 12 and on the fastening portion (near the lead line of numeral 18) of the holder 14 to attach the holder 14 to the pedestal 12.

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The recitation “fastenable separate from the holder” is seen to only require distinct fastening arrangement. Larson shows the pedestal 12 uses screws to fasten it to the substrate and the holder 14 uses a elastic latch arrangement to fasten it to the pedestal (see attached definition from The American Heritage Concise Dictionary).

-- In reference to Claim(s) 2, Larson shows (figure 1) the pedestal 12 comprises a recess (between the projections of elements 17) to accommodate the fastening portion (near the lead line of numeral 18) of the holder 14 , the recess having projections 17 on at least two opposed sides of the recess, forming one of the coupling elements, and the fastening portion (near the lead line of numeral 18) of the holder 14 comprises grooves 18 cooperating with the projections 17 of the pedestal 12.

-- In reference to Claim(s) 8, Larson shows (figure 1) the pedestal 12 has an opening (screw hole) to accommodate a fastening pin (screw) projecting from the substrate with an undercut (chamfer at the head of the screw ^{that} ~~the~~ is complimentary to the holes chamfer (large diameter vs. small diameter)) and holding means (hole chamfer) engaging the undercut of the fastening pin.

-- In reference to Claim(s) 23, Larson shows (figure 1) a pedestal 12 constructed for attachment to the substrate; and a holder 14 for the object, wherein the holder 14 is separate from the pedestal 12 and has an object holding portion (the tangent surface ^{portion} ~~that~~ is adjacent the cable (figure 5)) and a pedestal fastening portion (near the lead line of numeral 18), and wherein the pedestal 12 and the pedestal fastening portion (near the lead line of numeral 18) have co-operable coupling elements (17, 18, 24) for attaching the fastening portion (near the lead line of numeral 18) of the holder 14 to the pedestal 12.

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The meaning of “separate” is not set forth in the claims and is thus deemed to be so broad that it is met by the applied reference showing a distinct configuration (see the attached definition from The American heritage Concise Dictionary).

-- In reference to Claim(s) 24, Larson shows (figure 5) a plurality of the holders 14, and wherein each fastening portion (near the lead line of numeral 18) and the pedestal 12 have cooperable coupling elements (17, 18, 20) for attaching the fastening portion (near the lead line of numeral 18) to the pedestal 12.

-- In reference to Claim(s) 25, Larson shows (figure 1) the fastening portions and the pedestal 12 are constructed so that a plurality of fastening portions (18, 24) are received on the pedestal 12 in a stacked configuration.

-- In reference to Claim(s) 26, Larson shows (figure 1) the fastening portions (18, 24) in the stacked configuration are of different sizes (18 has an L-shape causing it to have a larger cross-sectional size than 24's cross sectional size.

-- In reference to Claim(s) 27, Larson shows (figures 1 and 5) the cooperable coupling elements 17 of the pedestal 12 include steps (17, 20) constructed to support corresponding fastening portions 18.

-- In reference to Claim(s) 30, Larson shows (figure 5) the holding portion is constructed to receive and hold a substantially flat object.

-- In reference to Claim(s) 31, Larson shows (figure 5) the holding portion comprises a clamp.

Allowable Subject Matter

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- Claim(s) following claims have allowable subject matter.
- Claim(s) 3,4,7,10, 28, and 32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

- The following is a statement of reasons for the indication of allowable subject matter:

-- In reference to Claim(s) 3, the prior art does not show grooves parallel to each other are configured in opposed side walls of the recess of the pedestal and provided with at least one open end.

-- In reference to Claim(s) 4, the prior art does not show that the holder is insertable with its fastening portion on the side of the pedestal away from the substrate in the recess of the pedestal by a first motion directed towards the substrate, and movable by a second motion extending transverse to said first motion into a position of engagement in which the holder is fixed to the pedestal.

-- In reference to Claim(s) 7, the prior art does not show a multi-step configuration of two opposed side walls of the recess, each segment being configured to accommodate a fastening portion, adapted in size to the segment in question, of a holder.

-- In reference to Claim(s) 10, the prior art does not show a flap swingably attached to the base part and, in a locking

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position capable of being held fast on the base part, clamping the object arranged on the contact surface.

-- In reference to Claim(s) 28, the prior art does not show the cooperable coupling elements are constructed so that they become effective to attach the fastening portion to the pedestal by inserting the fastening portion into the opening and then moving the inserted fastening portion in a predetermined direction.

-- In reference to Claim(s) 32, the prior art does not show the clamp comprises a base and a flap hinged to the base and constructed to be latched thereto.

The above noted claimed structure, in combination with all the other elements of the claim is not seen to be anticipated by the prior art and the examiner knows of no permissible motivation to combine the prior art such that the subject matter as a whole would have been obvious at the time the invention was made.

- If the application becomes allowable, any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowable Subject Matter".

Conclusion

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- The prior art listed on PTO form 892 that is made of record and not relied upon is considered pertinent to applicant's disclosure because it shows the state of the art with respect to applicant's claimed invention.
- Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Harvey whose telephone number is 571-272-2007. The examiner can normally be reached on 8:00 A.M. To 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on 571-272-2800 extension 33.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2800.

- Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James R. Harvey, Examiner

jrh
June 17, 2005

A handwritten signature in black ink, appearing to read 'JRH', is written over a horizontal line. The signature is stylized and cursive.